

JFM

3736

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## AMENDMENT / RESPONSE TRANSMITTAL

Applicant : Shults, et al.  
 App. No : 09/447,227  
 Filed : November 22, 1999  
 For : DEVICE AND METHOD FOR  
 DETERMINING ANALYTE LEVELS  
 Examiner : Robert L. Nasser  
 Art Unit : 3736

## CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

January 3, 2007

(Date)

Rose M. Thiessen, Reg. No. 40,202

**Mail Stop Amendment**  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing in the above-identified application are the following enclosures:

- Interview Summary in 3 pages.
- Return prepaid postcard.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.



Rose M. Thiessen  
 Registration No. 40,202  
 Attorney of Record  
 Customer No. 20,995  
 (619) 235-8550



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Shults, *et al.*  
 Appl. No. : 09/447,227  
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       DETERMINING ANALYTE  
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INTERVIEW SUMMARY

**Mail Stop Amendment**  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Dear Sir:

In response to the Interview Summary mailed by Examiner Nasser on December 13, 2006 concerning the telephonic interview with Applicants' representative Laura Johnson on November 28, 2006, Applicants respectfully request that the Examiner enter the following response.

**Summary of Interview** begins on page 2 of this paper.

Appl. No. : 09/447,227  
Filed : November 22, 1999

## SUMMARY OF INTERVIEW

### Exhibits and/or Demonstrations

None.

### Identification of Claims Discussed

Claims 33-35, 38, 39, 41, 42, 48, 49, and 54-83.

### Identification of Prior Art Discussed

US 5,322,063 to Allen *et al.* and WO92/13271 to Rhodes *et al.*

### Proposed Amendments

None.

### Principal Arguments and Other Matters

Applicants' representative Laura Johnson asserted that WO92/13271 could not have a protruding tip, as it would conflict with its design. Examiner Nasser indicated that further consideration was required. Applicants' representative also asserted that US 5,322,063 does not disclose a protruding tip. Examiner Nasser indicated that any protrusion is considered a tip.

### Results of Interview

Agreement was not reached.

Appl. No. : 09/447,227  
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### REMARKS

Should the Examiner have any concerns that might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated:

1/3/07

By:



Rose M. Thiessen  
Registration No. 40,202  
Attorney of Record  
Customer No. 20,995  
(619) 235-8550

AMEND

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